

FILED
LODGED

ENTERED
RECEIVED

SEP -7 2011

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY



11-CV-05325-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JULIE M. CARDOT,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the
Social Security Administration,

Defendant.

Case No. C11-5325-JLR-BAT

**ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT'S MOTION TO
DISMISS**

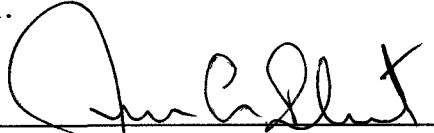
The Court, after careful consideration of plaintiff's complaint, defendant's motion to dismiss, the parties' briefs, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and

ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Defendant's motion to dismiss (Dkt. 11) is **GRANTED** as to plaintiff's claims under 42 U.S.C. § 405(g) and **DENIED** as to plaintiff's constitutional claim.
- (3) Defendant is directed to file an answer to plaintiff's constitutional claim.

The Clerk is directed to send copies of this Order to the parties and to Judge Tsuchida.

DATED this 7th day of Sept., 2011.


JAMES L. ROBART
United States District Judge